

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RONALD C. KOLESAR, and  
THOMAS KLAUS,

Plaintiffs,

v.

DRIPDROP HYDRATION, INC.,

Defendant.

Lead Case No. 1:21-cv-20

ROBERT JAHODA,

Plaintiff,

v.

DAVE RIBEIRO, LLC doing business as THE  
COLDEST WATER,

Defendant.

Member Case No. 2:21-cv-81

**AFFIDAVIT IN SUPPORT OF  
PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

In support of Plaintiff's Motion for Default Judgment, I state the following under penalty of perjury:

1. Defendant is a Florida limited liability company with a registered agent address of United States Corporation Agents, Inc., 5575 S. Semoran Blvd., Suite 36, Orlando, FL 32822. Defendant's headquarters is located at 769 21st St. SW., Naples, FL 34117.

2. On January 19, 2021, Plaintiff filed a Complaint for Declaratory and Injunctive Relief against Defendant seeking a permanent injunction requiring a change in Defendant's corporate policies to cause its online store to become and remain accessible to individuals who are partially sighted, visually impaired, or totally blind. *See* Complaint, Member Case No. 2:21-cv-00081-AJS, ECF 1.

3. Plaintiff served the Complaint and Summons on David Emerson, Supervisor, who is designated by law to accept service on behalf of Defendant at United States Corporation Agents, Inc., 5575 S. Semoran Blvd., Suite 36, Orlando, FL 32822, on February 25, 2021 by personal service. *See* Summons/Return of Service Returned Executed at ECF No. 29.

4. The Summons instructed Defendant to answer or respond within twenty-one (21) days of service. Defendant's answer due date was March 18, 2021. *Id.*

5. Defendant has failed to answer, respond, or appear in this action seeking declaratory judgment, a permanent injunction, and attorneys' fees and costs.

6. The Clerk of the United States District Court for the Western District of Pennsylvania entered default against Defendant on June 10, 2021. *See* Clerk's Entry of Default as to Dave Ribeiro, LLC, Lead Case No. 1:21-cv-20-AJS, at ECF 110.

7. On June 11, 2021, Plaintiff's counsel served a copy of Plaintiff's Request for Entry of Default and the Clerk's Entry of Default as to Dave Ribeiro, LLC upon Defendant via FedEx at its registered agent address. "F. Wiljenng" signed for the delivery on June 14, 2021. On June 11, 2021, Plaintiff's counsel served a copy of Plaintiff's Request for Entry of Default and the Clerk's Entry of Default as to Dave Ribeiro, LLC upon Defendant via FedEx at its at its headquarters. It was delivered on June 15, 2021.

8. Defendant is not an infant, incompetent person, or a member of the military service.

Respectfully submitted on August 5, 2021,

/s/ Nicholas A. Colella  
Nicholas A. Colella